

REMARKS

Claims 2 and 9 have been cancelled. Claims 1, 3-8 and 10 remain pending in this application. Applicants acknowledge with appreciation the Examiner's indication in the August 20, 2004 Office Action that claim 10 contained allowable subject matter. Accordingly, applicants amended claim 10 to independent form as presented in Examiner's August 20, 2004 Office Action. Applicants also amended claim 7 for clarification. No new matter has been added.

Claim 10 was rejected under 35 U.S.C. §112, second paragraph for alleged indefinite language. As mentioned above, applicants appreciate Examiner's indication in the August 20, 2004 Office Action that claim 10 contained allowable subject matter. But in the Response dated November 12, 2004, applicants did not amend claim 10 to independent form. Instead, applicants amended base claim 7 to include additional limitations. As a result, the Examiner has now found that these additional limitations in claim 7 render claim 10 indefinite. Applicants, therefore, amended claim 10 to independent form, excluding the limitations added to claim 7 in the November 12, 2004 Response. Accordingly, applicants respectfully submit that claim 10, as amended, is in allowable form.

Claims 1, 3, and 7 stand rejected under 35 U.S.C. §102(b) as being anticipated by Hennedy et al. (U.S. Patent No. 5,999,562). The Examiner's rejection is respectfully traversed.

Independent claim 1 recites, in part,

“a first code register storing a first de-spreading code and a second code register storing a second de-spreading code, wherein the pattern of the first de-spreading code and the pattern of the second de-spreading code are different, and said apparatus further comprising a selector which selects one of said first code register and said second code register to select and supply the de-spreading-code sequence to the multiplication circuit.” (Emphasis added) Applicants amended claim 7 to include similar limitations in a good faith effort to clarify the invention as distinguished from Hennedy et al.

The Examiner cited Fig. 8 and the corresponding description in Hennedy et al. in support of the §102 rejection. The cited portions of Hennedy et al. appear to disclose in-phase and quadrature-phase shift registers for outputting I and Q terms, respectively, that are matched filter correlated with a local reference signal stored in a data reference signal register, where the system is activated only during peak correlation periods. The Examiner equated the data reference signal register to the “at least one code register” of the claimed invention. Although Hennedy et al. does appear to disclose multiplexing local reference signals, these signals are stored and originate from the data reference signal register, which is a single shift register with its parallel outputs coupled to a multiplexer. As such, the contents of this single shift register is continuously changed “in a bursty mode.” Col. 28, lines 4-11 of Hennedy et al.

Therefore, the cited portions of Hennedy et al., relied upon by the Examiner, does not disclose “a first code register storing a first de-spreading code and a second code register storing a second de-spreading code, wherein the pattern of the first de-spreading code and the pattern of the second de-spreading code are different, and said apparatus further comprising a selector

which selects one of said first code register and said second code register to select and supply the de-spreading-code sequence to the multiplication circuit," as recited in claim 1. (Emphasis added)

Advantageously, the claimed invention provides for instantaneous code switching for the de-spreading codes, whereas the contents of the data reference signal register disclosed in Hennedy et al. are changed continuously and does not provide for such instantaneous code switching.

Accordingly, it is respectfully submitted that claim 1, together with claim 3 dependent therefrom, is patentable over Hennedy et al. Amended independent claim 7 includes limitations similar to those from claim 1 discussed above. It is, therefore, patentable over Hennedy et al. for at least the same reasons.

The Examiner rejected claim 8 under 35 U.S.C. §103(a) as being unpatentable over Hennedy et al. Claim 8 depends from amended claim 7 and, thus, incorporate all limitations thereof. Applicants respectfully submit that the "a first code register" and "a second code register" recited in amended claim 7 is not disclosed or suggested in Hennedy et al. Applicants, therefore, submit that claim 8 is patentable over Hennedy et al. for at least the reasons stated above with respect to independent claims 1 and 7.

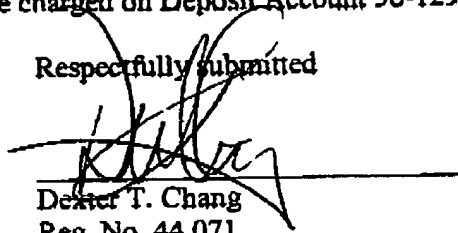
Applicants acknowledge with appreciation the Examiner's indication that claims 4-6 are allowable. Applicants further submit that the Examiner's reasons for allowing claims 4-6, stated in paragraph 12 of the above Office Action, are non-exclusive and non-exhaustive, and that such reasons in no way limit the scope thereof.

Statements appearing above in respect to the disclosures in the cited references represent the present opinions of the undersigned attorney and, in the event that the Examiner disagrees with any of such opinions, it is respectfully requested that the Examiner specifically indicate those portions of the respective reference providing the basis for a contrary view.

It is respectfully submitted that the present claims are in condition for allowance. Accordingly, favorable reconsideration of this case and early issuance of a Notice of Allowance are respectfully requested.

Any fee due with this paper may be charged on Deposit Account 50-1290.

Respectfully submitted



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DTC:fd